

REMARKS

Reconsideration of this application, as amended, is respectfully requested.

All of the claims are rejected as allegedly anticipated by or obvious over Rehse, Friderichs, Allen, Itoh, Liu, von Angerer I, von Angerer II and Matsuoka. Applicants respectfully traverse each of these rejections.

The cited references describe the conversion of a methoxy group on an indole structure into an hydroxy group. Neither the starting materials nor the reaction products of the present claims are, however, disclosed or suggested as admitted by the Examiner. The Examiner, however, takes the position that the use of a known reaction for generating novel products from novel starting material does not substantiate a patentable invention.

It is respectfully submitted that the claims recite novel starting materials and novel products, and claim a method that is a patentable invention. Further, it is respectfully submitted that the compounds disclosed in the cited references differ substantially from the compound in the present application. Particularly, the compounds of the prior art references do not appear to contain substituents corresponding to R^1 or $A(CO)NHR^5$ as required by the present claims. Also, according to Liu, no conversion occurs. According to Itoh and Rehse, different products are obtained. Thus, the rejections should be withdrawn.

Claims 21 and 28 were rejected under 35 U.S.C. §112, first paragraph for a lack of enablement and written description. It is submitted that these rejections do not apply to the pending claims.

Claim 21 was rejected as allegedly unclear for failing to cite reaction conditions such as reactants, reagents, reaction temperature, solvents, etc. Applicants traverse. The reactants are in fact indicated in the claim. The other reaction conditions can be determined by the skilled person based on the disclosure in the specification, e.g., in Examples 1 and 2. Accordingly, withdrawal of this rejections is respectfully requested.

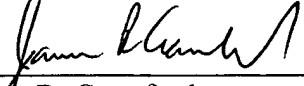
In view of the foregoing, allowance is respectfully requested.

Application No.: 10/081,642

The Commissioner is hereby authorized to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Deposit Account No. 50-0624, under Order No. NY-HUBR 1203.2-CONT-US. A duplicate copy of this paper is enclosed.

Dated: November 23, 2004

Respectfully submitted,

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